**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.3509 OF 2006

**24.2.2006**

Between:

Samba Purnachander Rao, S/o.Venkatesham

… Petitioner

And

The District Collector, Khammam

And others

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.3509 OF 2006

ORDER:

The petitioner assails the tender notification dated 06.2.2006 issued by the fifth respondent Municipality as being illegal and violative of fundamental rights guaranteed to the petitioner under Constitution of India.

The petitioner is admittedly the proprietor of Sri Devi Enterprises dealing in electrical

goods and electrical fittings. He states that pursuant to the tender notification dated 30.11.2005 issued by Palvancha Municipality for supply of electrical lights, he participated and became highest bidder for supply of sodium vapour lamps of Surya Brand. However, by reason of the conditions in the impugned notification restricting eligibility only to authorized dealers of Crompton Graves, Bajaj and Phillips, the petitioner is excluded from participating in the tender process. Therefore, he filed the present writ petition.

The learned Counsel for the petitioner vehemently contends that by tender notice, the dealers who are authorized by the original manufacturers of Crompton Greaves, Bajaj and Phillips brands are only conferred eligibility to participate in the tender process for supply of electrical materials like tube lights, street lights and other electrical items. The conditions imposed are arbitrary, in that, persons like petitioner who can also supply goods of the same brand, are excluded from category of eligible electrical dealers, which is discriminatory and illegal.

The facts that the petitioner supplied sodium vapour lamps of Surya brand to Palvancha Municipality is no ground to invalidate the notification. The question raised is essentially one of under inclusion. For the purpose of classifying eligible dealers, the fifth respondent Municipality has adopted a rational method having nexus sought to be achieved, that is to say, good quality electrical fittings of reputed companies. While doing so, if the Municipality insists upon the contractors to have authorization by the original manufacturers, the same cannot be termed as illegal or arbitrary. It is well settled that no citizen can compel the public authority to enter into contract with him/her. It is for the public authority to select the best person for supply of goods and hiring services keeping in view the public interest. The condition imposed in the impugned tender notification is certainly in public interest and this Court does not find any infirmity in the same.

The writ petition, for the above reasons, is dismissed. No costs.

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**(V.V.S.RAO,J)**

February 24, 2006.

NOTE:

Issue order copy in

One week.

(By order)

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